

1 DONALD F. ZIMMER, JR. (State Bar No. 112279)
2 CHERYL A. JORGENSEN (State Bar No. 224323)
3 DRINKER BIDDLE & REATH LLP
4 50 Fremont Street, 20th Floor
5 San Francisco, California 94105-2235
6 Telephone: (415) 591-7500
7 Facsimile: (415) 591-7510

8 Attorneys for Defendant
9 HEWLETT-PACKARD COMPANY

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GRAPEVINE PUBLICATIONS, INC., and
Oregon Corporation,

Plaintiff,

v.

HEWLETT-PACKARD COMPANY, a
Delaware Corporation and DOES 1 through
50, inclusive,

Defendants.

Case No. C 04-04305 JW (PVT)

STIPULATION AND [PROPOSED] ORDER OF DISMISSAL WITH PREJUDICE

1 IT IS HEREBY STIPULATED by and between plaintiff GRAPEVINE
2 PUBLICATIONS, INC. and defendant HEWLETT-PACKARD COMPANY through
3 their respective counsel that the above-captioned matter shall be and is hereby dismissed
4 *with prejudice* pursuant to Rule 41(a)(1). Each party shall bear their own costs and
5 attorney's fees in connection with the above-captioned matter.

6 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

7
8 Dated: May 31, 2005

Respectfully submitted,

SHEUERMAN, MARTINI & TABARRI LLC

9
10 /s/ Alan L. Martini
11 ALAN L. MARTINI

12 Attorneys for Plaintiff
13 GRAPEVINE PUBLICATIONS, INC.

14 Dated: May 31, 2005

DRINKER BIDDLE & REATH LLP

15 /s/ Cheryl A. Jorgensen
16 CHERYL A. JORGENSEN

17 Attorneys for Defendant
18 HEWLETT-PACKARD COMPANY

19
20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21 Dated: 6/3/05

/s/ James Ware

James Ware

UNITED STATES DISTRICT JUDGE

CERTIFICATION

I, Cheryl A. Jorgensen, hereby certify that Alan L. Martini concurs in the filing of this Stipulation and [Proposed] Order.

Dated: May 31, 2005

/s/ Cheryl A. Jorgensen
CHERYL A. JORGENSEN

CERTIFICATE OF SERVICE

I, CONNIE B. GUTIERREZ, declare that:

I am at least 18 years of age, and not a party to the above-entitled action. My business address is 50 Fremont Street, 20th Floor, San Francisco, California 94105, Telephone: (415) 591-7500.

On June 2, 2005, I caused to be served the following document(s):

**Defendant Hewlett-Packard Company's Stipulation and
[Proposed] Order of Dismissal with Prejudice**

by enclosing a true copy of (each of) said document(s) in (an) envelope(s), addressed as follows:

BY MAIL: I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. I know that the correspondence is deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed, and with postage thereon fully prepaid, placed for collection and mailing on this date, following ordinary business practices, in the United States mail at San Francisco, California.

BY PERSONAL SERVICE: I caused such envelopes to be delivered by a messenger service by hand to the address(es) listed below:

BY OVERNIGHT DELIVERY: I enclosed a true copy of said document(s) in a Federal Express envelope, addressed as follows:

BY FACSIMILE: I caused such documents to be transmitted by facsimile transmission and mail as indicated above to:

Alan L. Martini, Esq.
SHEUERMAN, MARTINI & TABARRI, LLC
1033 Willow Street
San Jose, CA 95125
Telephone: (408) 288-9700
Facsimile: (408) 295-9900

Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 2, 2005 at San Francisco, California.

Connie B. Gutierrez